

REMARKS/ARGUMENTS

The Applicant's representative would like to thank the Examiner for the excellent format and detail included in the current Office Action, such effort proves to be most helpful in advancing case prosecution.

Claims 1,8-25 and 28-32 remain in this application.

Claims 2-7 and 26-27 have been canceled.

Claims 33-37 have been added.

The examiner has acknowledged that claims 3,4 and 26-27 are directed to allowable subject matter.

New claim 33 includes the limitations of claim 3 and any intervening claims.

New claim 34 depends from claim 33 and includes the limitations of claim 4.

New Claim 35 includes the limitations of claim 26 and any intervening claims.

New Claim 36 includes the limitations of claim 27 and any intervening claims.

New claim 37 adds an additional limitation to amended claim 1, causing the strengthening ribs to be integrally formed to the bottom surface of the telescoping roof panel.

Original Claim 1 has been amended to add an additional feature (strengthening ribs) to the bottom surface of the telescoping roof panel taken from Page 26, lines 11-14 in the specification.

In response to the Office Action of **August 21, 2007**, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Objections to the Claims

Claim 2 stands objected to for the term "an means", claim 2 has been cancelled.

Claim 8 stands objected to for the term "left wall assembly and said right wall assembly includes". The term includes has been amended to "include", the Applicant's representative apologizes for the inconvenience.

Rejections under 35 USC 112

Claims 2,6,12,20,23 and 25 stand rejected under 35 USC 112 second paragraph.

Claim 2 has been cancelled.

Claim 6 has been cancelled.

Claims 12, 16, and 20 have been amended from "the heavy duty enclosure to "the low profile enclosure".

Claim 23 has been amended from "said sockets" to "a plurality of sockets".

Claim 25 has been amended from "said U-shaped outer track grooves" to "U-shaped outer track grooves".

Rejection under 35 USC 103(a)

Claims 1,2,5-9,13 and 21 stand rejected under 35 USC 103(a) as being unpatentable over Greene (US 6,796,087) in view of Silva(US 6,145,254), the Examiner's position is respectfully traversed.

Claim 1 has been amended to include the additional limitation of strengthening ribs on the bottom surface of the telescoping roof panel and is thus believed to distinguish over the prior art of record.

Greene discloses a storage shed of standard walk-in height constructed of plastic material. The shed includes a pair of **fixed roof panels** that are secured to the side panels with threaded plastic fasteners.

Silva discloses a retractable roof panel for selectively permitting light and air to enter through an opening in the roof. The panel includes flat upper and lower surfaces. The edges of the flat panel are captured in U-shaped track members to allow the panel to be traversed along the length of the track via rack and pinion gear arrangement.

In contrast the instant invention is a low profile shed constructed of plastic material with a telescoping roof assembly. The telescoping roof panel of the instant invention, as currently claimed, includes strengthening ribs on the bottom surface of the panel. The strengthening ribs permit the telescoping roof panel to support significantly higher loads for larger spans as well as

increased resistance to wind and snow loads. The telescoping panel with its ribbed lower surface works in conjunction with a novel track system to permit the ribbed panel to move in a telescoping manner.

It is thus believed that because neither Greene nor Silva teach or suggest a telescoping roof assembly having a telescoping panel with strengthening ribs, the instant invention distinguishes over the prior art of record. Further, the strengthening ribs of the instant invention could not be incorporated into the Silva device as disclosed as the U-shaped track assembly would not permit panel to traverse the track. It is well settled that the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not base on applicant's disclosure *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP §2143-§2143.03. The Applicant's representative therefore requests that this rejection be removed and the claims be allowed to issue.

Claims 2,5,6 and 7 have been cancelled rendering their rejection moot.

Claims 8,9,13 and 21 depend from claim 1 and thus should also be in condition for allowance.

Claims 10-12,14-16,18-20 and 28-32 stand rejected under 35 USC 103(a) as being unpatentable over Greene (US 6,796,087) in view of

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Silva(US 6,145,254) and further in view of Paz et al. (US 6,250,022), the Examiner's position is respectfully traversed.

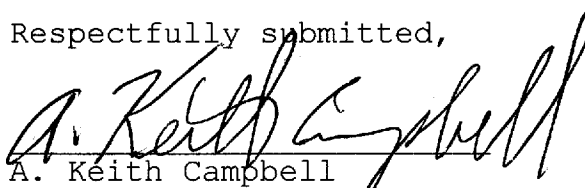
Claims 10-12,14-16,18-20 and 28-32 depend from amended Claim 1 which includes limitations not found in the prior art of record. Claim 1 has been amended to include the additional limitation of strengthening ribs on the bottom surface of the telescoping roof panel and is thus believed to distinguish over the prior art of record. Thus if claim 1 is found to be allowable the claims which depend from claim 1 should also be allowable.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested. Should there be any remaining issues which can be resolved via an Examiner's Amendment, the Examiner is urged to call the undersigned in order to expedite the prosecution of this application.

The Commissioner for Patents is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayments in any fees paid on the filing to Deposit Account No. 13-0439.

Respectfully submitted,



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